



CRM-M-10020-2026

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

133

CRM-M-10020-2026

Vipin Kumar

....Petitioner

V/s

State of Haryana and another

....Respondent

Date of decision: 20.05.2026**Date of Uploading : 20.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Najar Singh, Advocate for the petitioner.

Mrs. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. The present petition has been preferred by the petitioner under Section 528 of the Bharatiya Nagarika Suraksha Sanhita, 2023 seeking quashing of the FIR No.173 dated 19.07.2024 registered under Sections 281, 125, 125(a), 125(b) of the BNS at Police Station Chhainsa, District Faridabad.

2. The factual matrix of the case, as borne out from the petition in hand, is that the FIR in question came to be registered on the statement of complainant namely Praveen son of Mohar Singh, who stated that on 18.07.2024 at about 4:00 PM, he along with Komal, Kajal and minor Anshika was going on foot near the KGP Expressway bridge towards their agricultural fields due to excess water in river Yamuna. As per the complainant, while they were walking on the side of the road, a dumper trailer bearing registration No. HR-45C-9632 came from the side of



Maujpur Toll Plaza in a rash and negligent manner and struck all the four persons causing multiple injuries. It has been further alleged that the said vehicle fled from the spot after the occurrence. On the basis of the aforesaid allegations, the present FIR was registered. During the course of investigation, the registration number of the offending vehicle was verified and found registered in the name of Durga Traders. The petitioner was arrayed as an accused pursuant to the notice issued under Section 133 of the Motor Vehicles Act and the disclosure made by the owner of the vehicle. After completion of investigation, challan has already been presented before the competent Court of jurisdiction.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question merely because the vehicle was found stationed near the alleged place of occurrence. Learned counsel has further iterated that the investigation is unfair and conducted in a biased manner. Learned counsel has emphasized that the CCTV Camera No.110 installed at Pillar No.110 near the alleged place of occurrence was admittedly available, yet the Investigating Agency has failed to collect the footage which creates a serious doubt on the prosecution story. Furthermore, the vehicle of the petitioner was equipped with GPS/GPRS tracking system and the data collected therefrom clearly reflects that the vehicle in question has reached Faizpur Khadar at about 1:29 PM and remained parked thereafter. It has been further contended that the engine was restarted only at 4:11 PM and the vehicle thereafter moved at a normal speed ranging between 29 to 54 km per hour and hence the



further contended that no toll plaza record or FASTag data from Maujpur Toll Plaza has been collected during the course of investigation to establish the movement and timing of the vehicle. It has been further asserted that no mechanical inspection report to reflect fresh impact marks, dents, paint transfer, blood stains or other signs of collision has been produced by the prosecution despite the allegation that four persons have been hit by the vehicle in question (dumper). Moreover, no independent witness has been joined during the course of investigation and no Test Identification Parade (TIP) has been conducted. Learned counsel has further contended that the owner of the vehicle has immediately approached the higher police authority(s) and submitted a representation along with GPS data seeking fair investigation but the same has been ignored by the police authorities. On the strength of these submissions, learned counsel has contended that the continuation of the criminal proceedings would amount to abuse of the process of law and, therefore, the FIR deserves to be quashed.

4. *Per contra*, learned State counsel has opposed the petition in hand and has contended that the FIR has specifically mentioned the registration number of the offending vehicle in the first version given by the complainant. According to learned State counsel, the complainant as well as the injured witnesses has consistently attributed the accident to vehicle in question. Learned State counsel has submitted that the investigation has culminated in presentation of challan and the material collected during the course of investigation *prima facie* discloses the commission of cognizable offences. Accordingly, the dismissal of the petition in hand is prayed for.



5. I have heard learned counsel for the rival parties and have perused the record.

6. At this stage, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as ***State of Haryana and others vs. Ch. Bhajan Lal and others. 1992 AIR Supreme Court 604***, relevant whereof reads thus:

“107. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of Jaw enunciated by this Court in a series of decisions relating to the exercise of the extra-ordinary power under Article 226 or the inherent powers under Section 482 of the Code which; we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- 1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima-facie constitute any offence or make out a case against the accused.*
- 2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
- 3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
- 4. Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable*



offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

5. *Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
6. *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*
7. *Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

6.1. More recently, the Hon’ble Supreme Court in a judgment titled as ***Mahmood Ali & Ors. Vs. State of U.P. and Ors., 2023 AIR Supreme Court 3709*** has held as under:

“12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the



necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

7. Indubitably, the wide plenary powers of this Court under its inherent jurisdiction are saved by virtue of Section 528 BNSS, 2023, which except for self-imposed restrain(s), are not bound by any restriction or limitation. However, the wider the powers are, more is the duty upon the Courts to invoke extraordinary inherent jurisdiction with utmost circumspection. It is the statutory right as well as the duty of the Police to investigate into a cognizable offence. *Ergo*, where the allegations, *prima facie*, disclose the commission of cognizable offence, this Court must act with deference while considering a plea for quashing of the FIR. While exercising inherent jurisdiction, this Court is not expected to appreciate the disputed question of facts. The Court is only required to examine whether the allegations made in the FIR and the material collected during investigation *prima facie* disclose commission of any offence or whether continuation of proceedings would amount to abuse of process of law.



CRM-M-10020-2026

7

8. In the present case, the registration number of the offending vehicle has been specifically mentioned in the FIR which has been lodged promptly after the occurrence. The complainant as also the injured persons have alleged that the offending vehicle (dumper bearing registration No. HR-45C-9632) has caused the accident which resulted in injuries to four persons. Investigation has already been completed and challan stands presented before the competent Court of jurisdictions. The contentions raised by the petitioner regarding non-collection of CCTV footage; GPS/GPRS data; toll plaza records and lack of mechanical inspection report; are matters to be adjudicated upon only after the parties lead their respective evidence before the Court below. In the considered opinion of this Court, the petitioner essentially seeks appreciation of disputed factual issues which is impermissible at this stage. No ground is, thus, made out to conclude that the impugned FIR is manifestly false or an abuse of the process of law warranting interference by this Court. From a plain reading of the FIR and the material placed on record, it cannot be said that no cognizable offence is made out against the petitioner. Keeping in view the entirety of the facts and circumstances of the present case, this Court is of the considered view that no case for quashing of instant FIR is made out.

9. As an upshot of above-said rumination, it is directed as follows:

(i) The petition; seeking quashing of FIR No.173 dated 19.07.2024 registered under Sections 281, 125, 125(a), 125(b) of the BNS at Police Station Chhainsa, District Faridabad and all consequential proceedings arising therefrom; is dismissed.



- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the Police/trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

May 20, 2026
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No